

**FRANCIS ALEXANDER LLC**

NOVEMBER 11, 2013

THE HONORABLE PAUL S. DIAMOND
United States District Courthouse
601 Market Street
Philadelphia, PA 19106
T: (267) 299-7730
F: (267) 299-5069

Re: MARINO V. USHER, ET AL. | No.: 2011-cv-06811
Plaintiff's Sur-Reply Should Not Be Stricken

Dear Judge Diamond:

The issues before the Court are complex and need explication. The request to strike Plaintiff's Sur-Reply, which only explains why Defendants' factual and legal arguments are incorrect, serves no purpose other than to obscure the truth.

The truth is that Defendants took Plaintiff's intellectual property without permission and never credited or paid him for it. They now argue that the laws of the United States justify this theft. In actuality, both common sense and the very laws Defendants cite forbid such conduct.

If Defendants wish to file another brief, Plaintiff has no objection; it will not change what the evidence shows.

Respectfully, I am,

Francis Malofiy, Esquire

FAM/ajf

cc: To all counsel of record